UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,810	10/07/2003	Hi-Chan Moon	678-0249 CON	4792

66547 7590 07/21/2008
THE FARRELL LAW FIRM, P.C.
333 EARLE OVINGTON BOULEVARD
SUITE 701
UNIONDALE, NY 11553

EXAMINER	
DUONG, FRANK	

ART UNIT	PAPER NUMBER
2616	

MAIL DATE	DELIVERY MODE
07/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	**Application No.** 10/680,810	**Applicant(s)** MOON ET AL.	
	Examiner Frank Duong	**Art Unit** 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 29 April 2008.
2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) 1-12 is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☐ All b)☐ Some * c)☐ None of:
1.☐ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is a response to communications dated 04/29/08. Claims 1-12 are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Tiedemann, Jr. et al (USP 6,396,867) (hereinafter “Tiedemann”).

Regarding **claim 1**, in accordance with Tiedemann reference entirety, Tiedemann teaches a method for controlling a reverse link common channel in a base station (*Fig. 2; 4*) of code division multiple access (CDMA) communication system (Fig. 2), comprising the steps of:

receiving a signal transmitted from a mobile station via the reverse link common channel (*col. 16, lines 46-47 and lines 60-63*);

generating a power control command depending upon the strength of the received signal of reverse link common channel, for controlling a transmission power of the reverse link common channel (*col. 7, lines 20-30 or col. 19, lines 15-22 or col. 20, lines 40-44 or lines 61-67*);

pseudo-randomly selecting the position that the power control command is inserted in a forward link common power control channel; inserting power control command in the selected position of the forward link common power control channel (*col. 6, lines 30-35 and thereinafter*); and

transmitting to the mobile station the power control command via the common power control channel (*col. 19, lines 24-29*).

Regarding **claim 2**, in addition to features recited in base claim 1 (see rationales discussed above), Tiedemann also discloses wherein said reverse link common channel is a dedicated reverse link common channel (*col. 15, line 12)*.

Regarding **claim 3**, in addition to features recited in base claim 1 (see rationales discussed above), Tiedemann also discloses wherein said reverse link common channel is an enhanced access channel (*col. 15, lines 10-12*).

Regarding **claim 4**, in addition to features recited in base claim 1 (see rationales discussed above), Tiedemann also discloses wherein the signal of the reverse link common channel is a preamble signal ***and/or*** a message signal (*col. 10, lines 54-57 and thereinafter*).

Regarding **claim 5**, in addition to features recited in base claim 1 (see rationales discussed above), Tiedemann also discloses wherein said base station (*Fig. 2 depicted base station on the left hand side*) transmits a power-up command (*PC bits depicted in*

Fig. 3; POWER CONTROL BITS) to the mobile station (*Fig. 2 depicted mobile station on the right hand side*) until said signal is acquired (*col. 6, lines 10-46*).

Regarding **claim 6**, in accordance with Tiedemann reference entirety, Tiedemann shows a device (Fig. 2; 4 or 6) for controlling a reverse link common channel (*Fig. 2 depicted channels 10 and 12)* in a base station (*Fig. 2; base station depicted in the left hand side*) of code division multiple access (CDMA) communication system (Figs. 1-3), comprising:

a common power control command generator for generating power control command of reverse link common channel (*PC Bits into block 74*); and

a common power control channel transmitter (*blocks 26 and 30 of Fig. 2*) for pseudo-randomly selecting the position (*col. 6, lines 30-35*) that the power control command (*PC bits*) is inserted (*block 74 of Fig. 3)* in a forward link common power control channel (*Fig. 2; channel 10*) and transmitting to the mobile station (*Fig. 2 depicted mobile station on the left hand side*) power control command (PC bits) via the common power control channel (*col. 12, line 13 and thereinafter*).

Regarding **claim 7**, in addition to features recited in base claim 6 (see rationales discussed above), Tiedemann also discloses wherein said reverse link common channel is a dedicated reverse link common channel (*col. 15, line 12*).

Regarding **claim 8**, in addition to features recited in base claim 6 (see rationales discussed above), Tiedemann also discloses wherein said reverse link common channel is an enhanced access channel (*col. 15, lines 10-12*).

Regarding **claim 9**, in accordance with Tiedemann reference entirety, Tiedemann shows a common power control channel transmission device (*blocks 26 and 30 of Fig. 2*) for a base station (*Fig. 2 depicted a base station on the left hand side*) in a code division multiple access (CDMA) communication system (*Fig. 1*), comprising:

slot controller (*74*) for pseudo-randomly selecting a position in order to insert a power control command (PC bits) transmitted via a common power control channel (*DCCH*) (*col. 6, lines 30-35*);

a selector for inserting (*not shown; inherently there is a selector associated with block 74 or this limitation is equated to corresponding to "POWER CONTROL BITS" signal input*) the power control command (*PC bits*) in the selected position of the common power control channel (*DCCH*) (*col. 6, lines 10-25 and thereinafter*);

an orthogonal modulator (*76*) for orthogonally modulating an output (*output of blocks 74*) of the selector with an orthogonal code (*WALSE code*) for the common power control channel (*see Fig. 3 for connection details)*; and

a spreading modulator (*Fig. 3; blocks 78A-78B*) for a spreading the output signal (output of block 76) of orthogonal modulator with a PN spreading sequence (PNI&PNQ Codes) and transmitting a spreading signal (*output of block 24*).

Regarding **claim 10**, in addition to features recited in base claim 9 (see rationales discussed above), Tiedemann also discloses a scrambler (*Fig. 3; block 70*) for scrambling the power control command (PC bits) of multiple subscribers with user's pseudo random sequence (*LONG PN Generator*) respectively and transmitting the scrambling power control command (output of block 74).

Regarding **claim 11**, in addition to features recited in base claim 9 (see rationales discussed above), Tiedemann also discloses wherein the common power control channel is used by multiple subscribers on a time-division basis (*timeslot is discussed at col. 6, line 25 and thereinafter. It is one of specific features of a TDMA system*).

Regarding **claim 12**, in addition to features recited in base claim 11 (see rationales discussed above), Tiedemann also discloses wherein the common power control channel transmitter (blocks 26 and 30 of Fig. 3) uses a signal orthogonal code (*col. 9, lines 5-11 and thereinafter*).

Response to Arguments

3. Applicant's arguments filed 04/29/08 have been fully considered but they are not persuasive.

In the Remarks of the outstanding response, on page 2, pertaining the rejection 1 under U.S.C. 35 § 102(e) as being anticipated by Tiedemann, Jr. et al. (USP 6,396,867), Applicants argue "*Tiedemann does not teach or disclose any reverse link power control*."

In response Examiner respectfully disagrees and asserts the Tiedemann, as clearly point out in the Office Action, does anticipate the claimed invention as presented in claim 1 in the present condition. In the Abstract and thereinafter, Tiedemann states verbatim "***reverse link power control bits from multiples base stations*** or multiple signal paths are measured, combined, and filtered to yield an improved measurement of the forward link signal quality." Contradistinction with the Applicants' argument, Tiedemann does indeed disclose "*any reverse link power contro*l." A careful review of claim 1 Examiner surprisingly find no "*any reverse link power control*," language in the claim. There is a recitation of "*power control command" for "controlling a transmission power of the reverse link common channel*," "being generated" in claim 1. However, the "*power control command*" is never being used as the claim progresses. Therefore, such argument is directed to limitation not in the claim. Thus, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

On page 3 of the response, Applicants appear to content that the Tiedemann reference fails to teach "*the common control channel of the forward link or the reverse link*," and so argue.

In response Examiner, once again, respectfully disagrees and asserts otherwise. The "*common control channel of the forward link or the reverse link*" is very well known and commonly used in CDMA system. On one of these channels, one of certain power control techniques (open-loop, inner-closed loop and outer-closed loop) is being applied to control the power of the mobile devices/base stations due to a fact that the CDMA system is very power-limited. Tiedemann's system is undeniably a CDMA system (*see*

Tiedemann, col. 6, lines 47-59). Therefore, the disputed channel is used throughout the reference (*see Tiedemann, Fig. 8*).

In the response, Applicants fail to address the rejection of group claims 6-8 and 9-12. They are directed to different inventions from that claimed in group claims 1-5. Such failure to address or silence to mention the rejection of groups claims 6-8 and 9-12 admits the rejection is proper.

Examiner believes an earnest attempt has been made in addressing all of the Applicants' arguments. Due to the response fails to place the instant application in a favorable condition for allowance, the rejection is maintained.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Frank Duong whose telephone number is 571-272-3164. The examiner can normally be reached on 7:00AM-3:30PM, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frank Duong/
Primary Examiner, Art Unit 2616
July 17, 2008